

August 19, 2005

**SUBJECT:**

A report and recommendation on a Plat of Subdivision, Record Plat, for the Elizabeth T. Bley Subdivision, Phase 3, located east of Hackberry Avenue and north of E. McMillan Street in the neighborhood of East Walnut Hills.

Foppe Technical Group, Inc., civil engineers, on behalf of Elizabeth Place, L.L.C., the owner and developer, has submitted a Plat of Subdivision, Record Plat, for the Elizabeth T. Bley Subdivision, Phase 3. The Plat has been reviewed and approved by all reviewing agencies.

**BACKGROUND:**

The Elizabeth T. Bley Subdivision was originally approved as a planned unit development on April 7, 2000 and at that time the zoning was R-4 Multi-Family. The approval granted permission to construct 23 townhouse units within five buildings on 1.094 acres of land. Each of the attached townhouse units will contain two or three bedrooms, a two-vehicle garage and front entry garden. Site development began in the spring of 2002. On December 3, 2004, the City Planning Commission approved a Plat of Subdivision, Record Plat, consisting of Phase one and two of the Elizabeth T. Bley Subdivision for lots one through nine. That plat also established easements for sanitary sewer, storm sewer, gas and electric utility and vehicular access for the subdivision. The current zoning for the property is Planned Development (PD) District No. 11.

**SUBDIVISION:**

Elizabeth T. Bley Subdivision, Phase 3, creates four new lots for attached townhouse units. Access to the lots and townhouses will be within previously established vehicular and utility easements. A resident Homeowner Association (HOA) will maintain the private utilities and access driveway. For addressing purposes the private driveway is named, Grandmere Lane.

**RECOMMENDATION:**

The staff of the Department of Community Development and Planning recommends that the City Planning Commission take the following action:

“Approve the Plat of Subdivision, Record Plat, for Elizabeth T. Bley Subdivision, Phase 3, for the reasons that the plat conforms with the Subdivision Regulations and has approval of all reviewing agencies.”

Respectfully Submitted:

Approved:

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Stephen C. Briggs  
Senior City Planner

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Margaret A. Wuerstle, AICP  
Chief Planner

OWNERS CERTIFICATE:

WE THE UNDERSIGNED, DO HEREBY ADOPT AND CONFIRM THIS PLAT OF SUBDIVISION AS SHOWN AND HEREBY SHOW ALL PRIVATE EASEMENTS AND PRIVATE DRAINAGE LIMITS AS SHOWN HEREON AND PREVIOUSLY RECORDED IN PLAT BOOK 389, PAGE 24-25. WE GUARANTEE THE PAYMENT OF ALL TAXES AND ASSESSMENTS THAT ARE A LIEN ON SAID PROPERTY ON THE DATE OF ACCEPTANCE BY HAMILTON COUNTY, OHIO. WE HAVE ALSO PREVIOUSLY GRANTED IN SAID PLAT BOOK 389, PAGE 24-25, CINCINNATI GAS & ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS FOREVER, UTILITY EASEMENTS AS CONSTRUCTED WITHIN THE SUBDIVISION AS SHOWN HEREON, AND SUBJECT TO THE RESTRICTIONS ON EASEMENTS AS DESCRIBED HEREON.

ELIZABETH PLACE, LLC WITNESSED TO ALL:

BY: \_\_\_\_\_  
WILLIAM BLEY \_\_\_\_\_  
MANAGING PARTNER

STATE OF OHIO S.S.

BE IT REMEMBERED THAT ON THE \_\_\_\_ DAY OF \_\_\_\_, 2004, A.D., BEFORE ME A NOTARY PUBLIC, IN AND FOR SAID STATE OF OHIO, PERSONALLY CAME \_\_\_\_\_ WHO, ON BEHALF OF SAID CORPORATION AND FOR HERSELF, AND AS SUCH OFFICER DULY AUTHORIZED BY ITS BOARD OF DIRECTORS, ACKNOWLEDGES THE SIGNING OF THE FOREGOING INSTRUMENT TO BE HIS AND ITS VOLUNTARY ACT AND DEED FOR PURPOSES STATED IN SAID INSTRUMENT MENTIONED. IN TESTIMONY WHEREOF, I HEREUNTO SET MY HAND AND AFFIX MY NOTARIAL SEAL ON THE DAY AND DATE AFORESAID.

SIGNED

NOTARY PUBLIC, STATE OF OHIO MY COMMISSION EXPIRES \_\_\_\_\_

BY: \_\_\_\_\_ PRINTED NAME (S) - LOT #  
NAME \_\_\_\_\_  
SIGNATURE \_\_\_\_\_

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SIGNED

NOTARY PUBLIC, STATE OF OHIO MY COMMISSION EXPIRES \_\_\_\_\_

BY: \_\_\_\_\_ PRINTED NAME (S) - LOT #  
NAME \_\_\_\_\_  
SIGNATURE \_\_\_\_\_

PLANNING COMMISSION ACCEPTANCE

PLAT APPROVED BY THE CINCINNATI CITY PLANNING COMMISSION ON THIS \_\_\_\_ DAY OF \_\_\_\_, A.D. 2004.

SIGNED: \_\_\_\_\_ DIRECTOR, DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING

NOTES:

- A) THIS PLAT IS INTENDED TO PROVIDE A PUBLIC RECORD OF THE RECORDING OF ALL EASEMENTS FOR INGRESS / EGRESS, UTILITIES, ETC., PUBLIC AND PRIVATE. ANY FUTURE LOTS ARE TO BE RECORDED SEPARATELY FROM THIS PLAT AND ANY FUTURE PLATS WILL DEFINE THE EXTENT AND BOUNDARY OF THAT PARTICULAR AREA AND THE EASEMENTS MAY BE REDEFINED WITH SAID FUTURE PLAT.
- B) THE WITHIN SUBDIVISION IS SUBJECT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR ELIZABETH T. BLEY SUBDIVISION AS RECORDED IN OFFICIAL RECORD VOLUME 9616, PAGE 2788 AND AMENDMENT THERETO RECORDED IN O.R. VOL. 9836, PG. 3141 OF THE HAMILTON COUNTY, OHIO RECORDER'S OFFICE AND SAID DECLARATION MAY BE AMENDED FROM TIME TO TIME.
- C) THE HOMEOWNER ASSOCIATION "ELIZABETH GARDENS HOMEOWNER'S ASSOCIATION, INC." SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL PRIVATE EASEMENTS, UTILITIES AND OPEN SPACES.
- D) ALL MONUMENTS WILL BE SET AT THE COMPLETION OF THIS PROJECT.

PRIVATE DRAINAGE EASEMENT

THE CITY OF CINCINNATI AND THE HAMILTON COUNTY BOARD OF COMMISSIONERS DO NOT ACCEPT ANY PRIVATE SEWER EASEMENTS SHOWN ON THIS PLAT. THE CITY OF CINCINNATI AND THE HAMILTON COUNTY BOARD OF COMMISSIONERS ARE NOT OBLIGED TO MAINTAIN, REPAIR, OR OPERATE ANY PRIVATE SEWER LINE IN THE SUBDIVISION. OPERATION MAINTENANCE OF ALL PRIVATE SEWER LINES WITHIN THE SUBDIVISION ARE THE OBLIGATION OF ELIZABETH GARDENS HOMEOWNERS ASSOCIATION AND/OR OWNERS OF THE LOTS USING THE PRIVATE SEWER LINES.

RESTRICTIONS ON PERMANENT PRIVATE SEWER EASEMENTS (STORM)

NO IMPROVEMENTS OF ANY KIND WHICH CAN INTERFERE WITH ACCESS TO SAID PRIVATE SEWER EASEMENT SHALL BE PLACED UPON A PERMANENT SEWER EASEMENT, EXCEPTING SUCH ITEMS AS RECREATIONAL SURFACES, PAVED AREAS FOR PARKING LOTS, DRIVEWAYS, OR OTHER SURFACES, USED FOR INGRESS AND EGRESS, PLANTS, SHRUBBERY, FENCES, LANDSCAPING, OR OTHER SUCH ITEMS BEING NATURAL OR ARTIFICIAL. ANY OF THE AFORESAID SURFACES, PAVED AREAS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS WHICH MAY BE PLACED UPON SAID PERMANENT EASEMENT SHALL BE SO PLACED AT THE OWNERS EXPENSE AND RISK OF THE PROPERTY OWNER AND GRANTEES OR ASSIGNS OF THIS PERMANENT EASEMENT. HENCEFORTH SHALL NOT BE RESPONSIBLE TO ANY PRESENT OWNERS OF THE PROPERTY NOR THEIR EXECUTORS, ADMINISTRATORS, OR ASSIGNS FOR THE CONDITION, DAMAGES TO, OR REPLACEMENT OF SUCH AFORESAID ITEMS, OR ANY OTHER ITEMS PLACED UPON THE EASEMENT, RESULTING FROM THE EXISTENCE OF OR USE OF THE SAID PERMANENT EASEMENT. ANY SUCH IMPROVEMENT SHALL BE KEPT OUTSIDE THE PERMANENT SEWER EASEMENT LINE NEAREST THE SITE OF THE PROPOSED STRUCTURE. ANY DEVIATION FROM THE AFORESAID RESTRICTIONS SHALL BE PETITIONED BY WRITTEN REQUEST TO THE GRANTEES OR ASSIGNS. EACH SUCH REQUEST SHALL BE CONSIDERED ON AN INDIVIDUAL BASIS WITH APPROVAL NOT BEING UNREASONABLY WITHHELD.

SERVICE CHARGES, ASSESSMENTS, AND FEES

THE OWNERS OF ALL PROPERTIES SHOWN ON THIS RECORD PLAT SHALL BE SUBJECT TO ALL APPLICABLE SEWER SERVICE CHARGES, ASSESSMENTS, TAP-IN CHARGES OR FEES WHICH HAVE BEEN OR MAY BE ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS OR THE CITY OF CINCINNATI.

PRIVATE STORM DAMAGE LIMITS NOTE

PRIVATE DRAINAGE LIMITS AS SHOWN ON THIS PLAT ARE NOT ACCEPTED BY THE BOARD OF COUNTY COMMISSIONERS OR THE CITY OF CINCINNATI AND THE BOARD OF COUNTY COMMISSIONERS OR THE CITY OF CINCINNATI IS NOT RESPONSIBLE TO MAINTAIN, REPLACE, OR REPAIR ANY CHANNELS OR INSTALLATIONS IN SAID LIMITS. THE SAID LIMITS AND ALL IMPROVEMENTS IN IT, SHALL BE MAINTAINED CONTINUOUSLY BY THE OWNER, HIS ASSIGNS, SUCCESSORS OR HEIRS OF THE REAL ESTATE. NO STRUCTURE, PLANTING, OR OTHER MATERIAL SHALL BE PLACED OR PERMITTED TO REMAIN WHICH MAY OBSTRUCT, RETARD OR CHANGE THE DIRECTION OF THE FLOW OF WATER THROUGH THE DRAINAGE CHANNEL IN THE SAID LIMITS. PERMISSION SHALL BE OBTAINED IN WRITING FROM THE METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI, OHIO AND CITY STORM WATER UTILITY, CINCINNATI, OHIO PRIOR TO ANY CHANGES MADE TO SAID LIMITS.

RESTRICTIONS ON PERMANENT PRIVATE SEWER EASEMENTS (SANITARY)

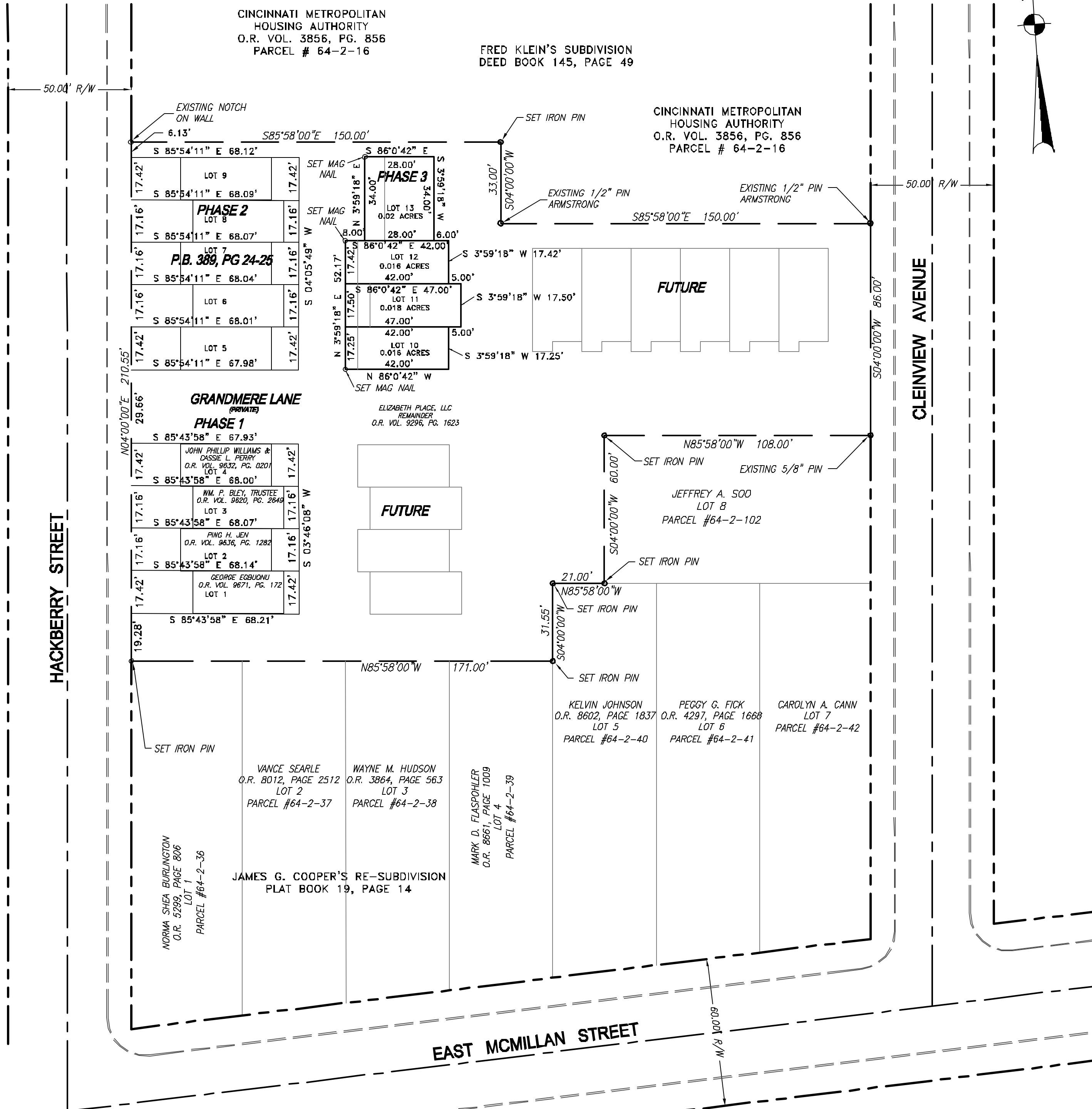
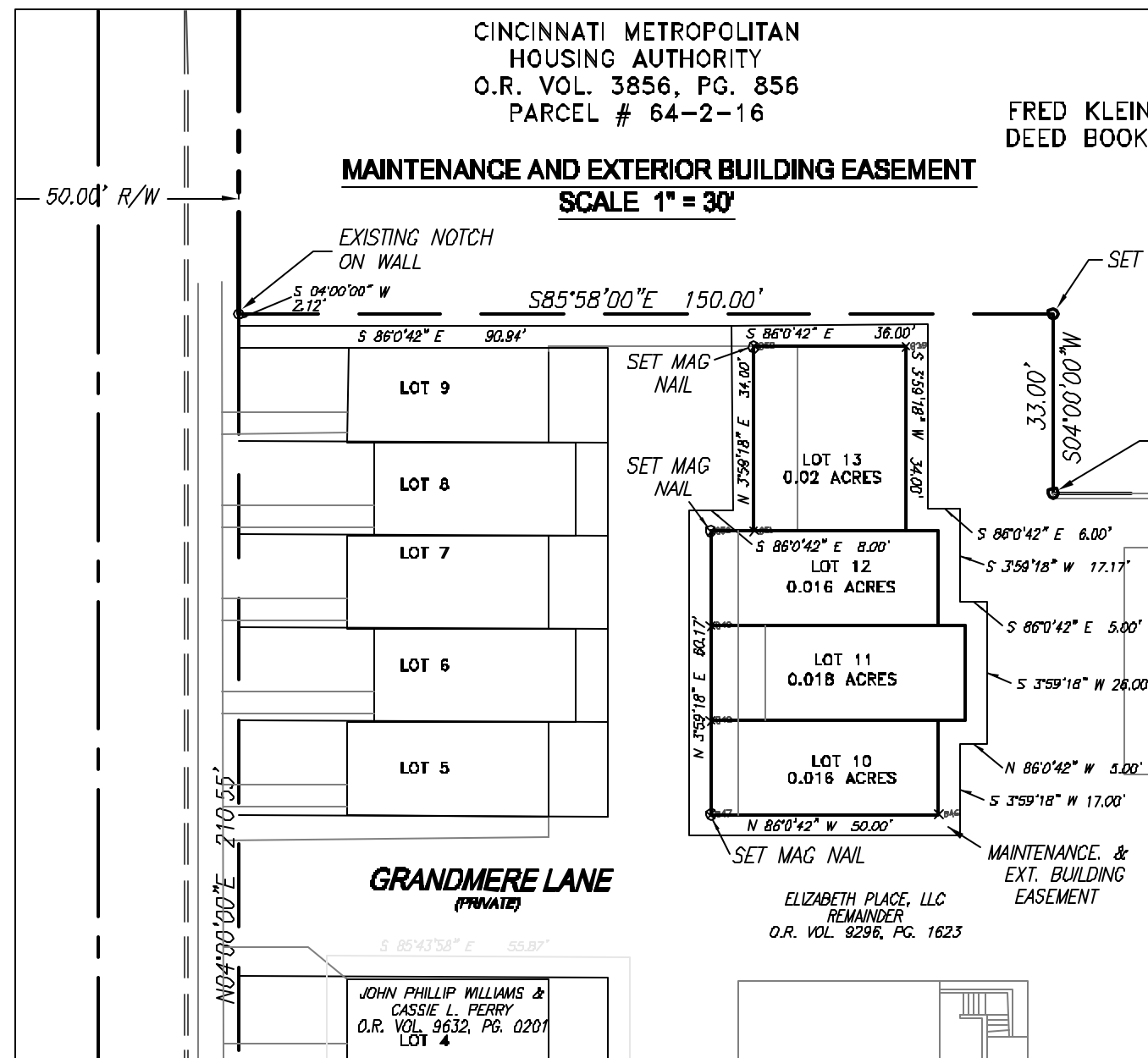
NO STRUCTURE OF ANY KIND WHICH CAN INTERFERE WITH ACCESS TO SAID PRIVATE SEWER SHALL BE PLACED IN OR UPON THE PERMANENT SEWER EASEMENT, EXCEPTING ITEMS SUCH AS RECREATIONAL SURFACES, PAVED AREAS FOR PARKING LOTS, DRIVEWAYS, OR OTHER SURFACES USED FOR INGRESS AND EGRESS, TREES, SHRUBBERY, FENCES, LANDSCAPING, OR OTHER SIMILAR ITEMS BEING NATURAL OR ARTIFICIAL. ANY OF THE AFORESAID SURFACES, PAVED AREAS, PLANTS, TREES, SHRUBBERY, FENCES, LANDSCAPING OR OTHER SIMILAR ITEMS WHICH MAY BE PLACED UPON SAID PERMANENT EASEMENT SHALL BE SO PLACED AT THE SOLE EXPENSE OF THE PROPERTY OWNER, AND THE GRANTEES OR ASSIGNS OF ANY PERMANENT EASEMENT. HENCEFORTH SHALL NOT BE RESPONSIBLE TO ANY PRESENT OWNERS OF THE PROPERTY, NOR TO THE HEIRS, EXECUTORS, ADMINISTRATORS OR ASSIGNS, FOR THE CONDITIONS, DAMAGE TO, OR REPLACEMENT OF ANY SUCH AFORESAID ITEMS, OR ANY OTHER ITEMS PLACED UPON THE EASEMENT, AND RESULTING FROM THE EXISTENCE OR USE OF THE SAID PERMANENT SEWER EASEMENT BY THE GRANTEES OR ASSIGNS. ANY STRUCTURE CONSTRUCTED ON SAID PROPERTY IN WHICH SAID PERMANENT SEWER EXISTS SHALL BE KEPT OUTSIDE THE PERMANENT SEWER EASEMENT LINE NEAREST THE SITE OF THE PROPOSED STRUCTURE. ANY DEVIATION FROM THE RESTRICTIONS SHALL BE PETITIONED BY WRITTEN REQUEST TO THE GRANTEES OR THEIR ASSIGNS. EACH SUCH REQUEST SHALL BE CONSIDERED ON AN INDIVIDUAL BASIS WITH APPROVAL NOT BEING UNREASONABLY WITHHELD.

GRANT OF EASEMENT

FOR VALUABLE CONSIDERATION, WE THE UNDERSIGNED DO HEREBY PERMANENTLY GRANT TO THE CINCINNATI GAS & ELECTRIC COMPANY AND THE CINCINNATI BELL TELEPHONE COMPANY, AND ANY OTHER PROVIDER OF UTILITY SERVICES, THEIR SUCCESSORS AND ASSIGNS, FOREVER, NONEXCLUSIVE EASEMENTS, AS SHOWN ON THE WITHIN PLAT AND DESIGNATED AS "UTILITY EASEMENTS" FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, OR REPLACEMENT OF ANY AND ALL NECESSARY FIXTURES FOR THE OVERHEAD OR UNDERGROUND DISTRIBUTION OF GAS, ELECTRIC, TELEPHONE OR TELECOMMUNICATIONS, OR OTHER UTILITIES. ALSO HEREBY GRANTED IS THE RIGHT TO LATEROALLY EXTEND ELECTRIC OR GAS FACILITIES THROUGH ANY OR ALL LOTS OR COMMON AREAS TO SERVE ANY LOT OR COMMON AREA OR TO PERMIT THE LIGHTING OF THE STREETS. SAID UTILITY COMPANIES SHALL HAVE THE RIGHT OF INGRESS AND EGRESS AND ALSO THE RIGHT TO CUT, TRIM OR REMOVE ANY TREES OR OVERHANGING BRANCHES WITHIN SAID EASEMENT OR IMMEDIATELY ADJACENT THERETO. NO BUILDINGS OR OTHER STRUCTURES MAY BE BUILT WITHIN SAID EASEMENTS, NOR MAY THE EASEMENT AREA BE PHYSICALLY ALTERED SO AS TO (1) REDUCE CLEARANCES OF EITHER OVERHEAD OR UNDERGROUND FACILITIES; (2) IMPAIR THE LAND SUPPORT OF SAID FACILITIES; (3) IMPAIR ABILITY TO MAINTAIN THE FACILITIES OR (4) CREATE A HAZARD, TO HAVE AND TO HOLD THE SAID EASEMENTS FOREVER. WE ACKNOWLEDGE HAVING FULL POWER TO CONVEY THIS EASEMENT AND WILL DEFEND THE SAME AGAINST ALL CLAIMS.

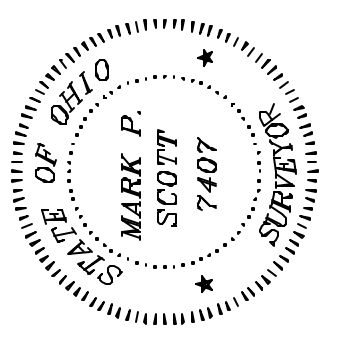
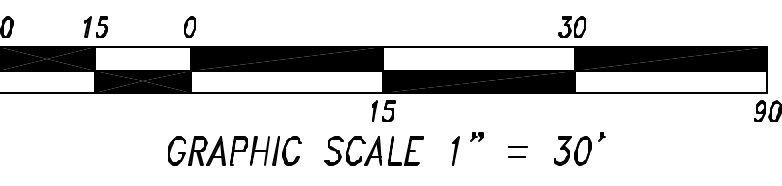
OPEN SPACE ALLOWED USES:

1. STORMWATER DETENTION/RETENTION AREAS, HOWEVER SUCH AREAS SHALL BE LIMITED TO THE SMALLEST SIZE POSSIBLE.
2. SANITARY SEWER EASEMENTS, AND STORM SEWER EASEMENTS.
3. UTILITY EASEMENTS FOR THE TRANSMISSION OF UNDERGROUND UTILITIES, WHICH SHALL NOT UNREASONABLY DISTURB THE OPEN SPACE.
4. MAINTENANCE AND EXTERIOR BUILDING EASEMENT.

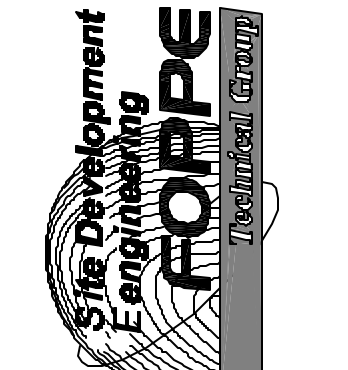


TOTAL AREA = 1.09 ACRES  
PHASE 1 AREA = 0.11 ACRES  
PHASE 2 AREA = 0.13 ACRES  
PHASE 3 AREA = 0.07 ACRES  
REMAINDER = 0.78 ACRES

OWNER DEVELOPER  
ELIZABETH PLACE, LLC  
750 RED BUD AVENUE  
CINCINNATI, OHIO 45229



CINCINNATI, OHIO OFFICE  
11415 CENTURY BOULEVARD  
CINCINNATI, OHIO 45248  
Tel: (513) 671-8144  
Fax: (513) 671-4550  
NORTHERN KENTUCKY OFFICE  
FLORENCE, KENTUCKY 41042  
Tel: (606) 547-1125  
Fax: (606) 547-1150



Designed By: NA  
Drawn By: THOMAS BRANDT  
Checked By: MARK SCOTT  
Approved By: MARK SCOTT

REVISIONS:

ELIZABETH T. BLEY SUBDIVISION, PHASE 3  
HAMILTON COUNTY, CINCINNATI, OHIO  
SECTION 2, TOWN 3, FRACTIONAL RANGE 2  
(INCLUDING LOTS 10-13)

RECORD PLAT

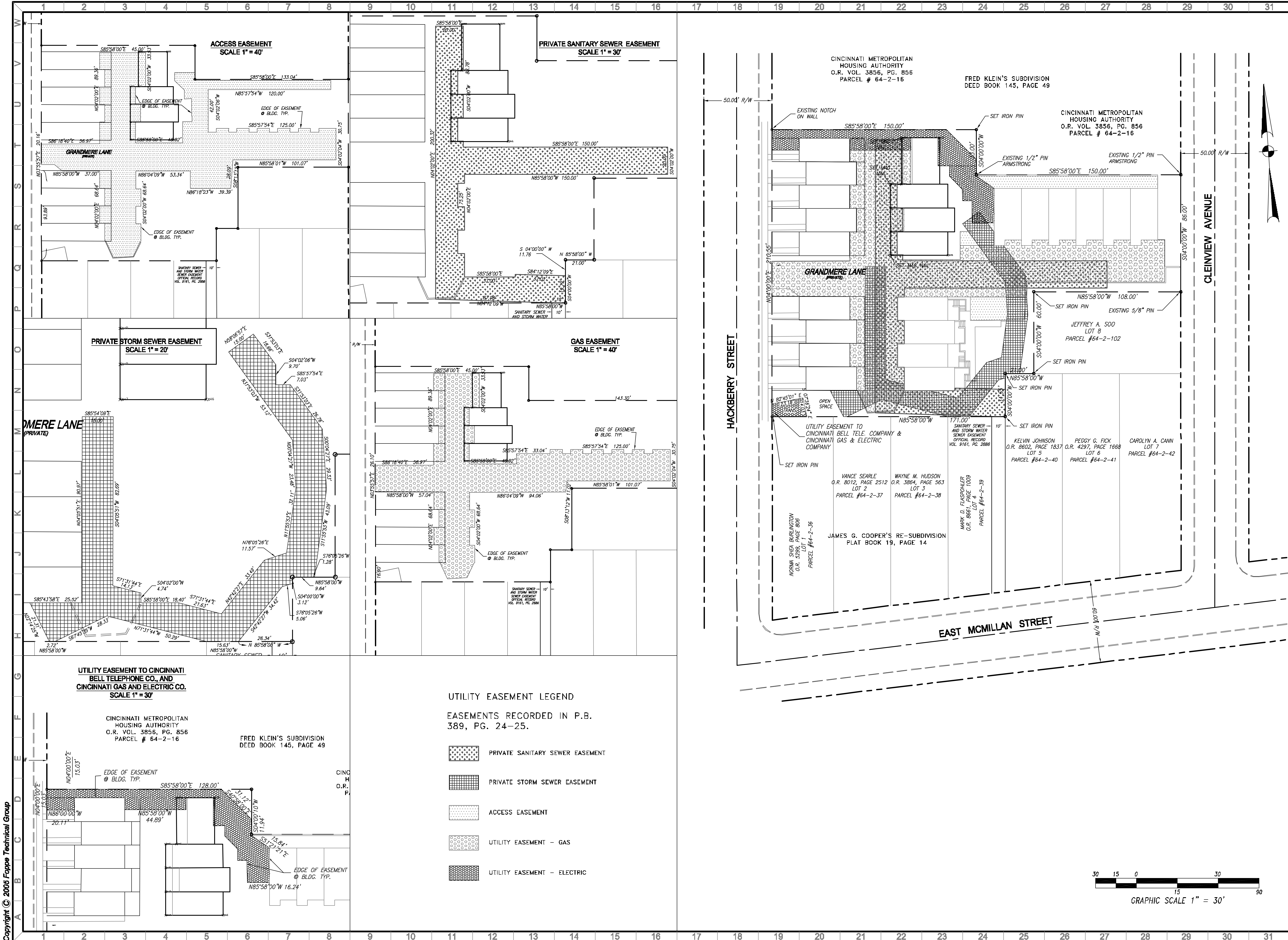
Scale: 1" = 30'

Date: 08/02/2005

Sheet No.

1 OF 2

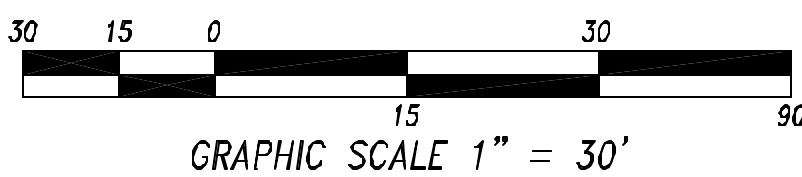
Project No.  
03114A-39



UTILITY EASEMENT LEGEND

EASEMENTS RECORDED IN P.B.  
389, PG. 24-25.

- PRIVATE SANITARY SEWER EASEMENT
- PRIVATE STORM SEWER EASEMENT
- ACCESS EASEMENT
- UTILITY EASEMENT - GAS
- UTILITY EASEMENT - ELECTRIC



SEAL OF THE CITY OF CINCINNATI  
MARK R. SCOTT  
CITY CLERK

CINCINNATI, OHIO OFFICE  
11415 CENTURY BOULEVARD  
CINCINNATI, OHIO 45248  
Tel: (513) 871-8444  
Fax: (513) 871-8160

■ CINCINNATI, OHIO OFFICE  
11415 CENTURY BOULEVARD  
CINCINNATI, OHIO 45248  
Tel: (513) 871-8444  
Fax: (513) 871-8160

□ NORTHERN KENTUCKY OFFICE  
FLORENCE, KENTUCKY 41042  
Tel: (606) 547-1126  
Fax: (606) 547-1126

Site Development  
Engineering  
FOPPE  
Technical Group

DESIGNED BY: NA  
DRAWN BY: THOMAS BRANDT  
CHECKED BY: MARK SCOTT  
APPROVED BY: MARK SCOTT

REVISIONS:

ELIZABETH T. BLEY SUBDIVISION, PHASE 3  
HAMILTON COUNTY, CINCINNATI, OHIO  
SECTION 2, TOWN 3, FRACTIONAL RANGE 2  
(INCLUDING LOTS 10-13)

RECORD PLAT

Scale: 1" = 30'  
Date: 08/02/2005  
2 OF 2  
Project No.  
03114A-39